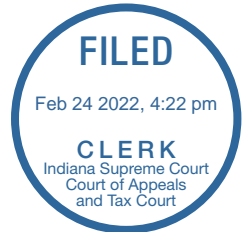


In the
Indiana Supreme Court

In the Matter of the Approval of Local
Rules for Floyd County

Supreme Court Case No.
22S-MS-67



Order Approving Amended Local Rule

The Judges of the Floyd Circuit and Superior Courts request the approval of amended local rule for caseload allocation in accordance with Indiana Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Floyd Circuit and Superior Courts, this Court finds that the proposed rule amendment at LR22-TR00 Rule 117 complies with the requirements of Indiana Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule, LR22-TR00 Rule 117, for Floyd Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective March 1, 2022.

Done at Indianapolis, Indiana, on 2/24/2022.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR22-TR00 RULE 117
ASSIGNMENT OF CASES TO EQUALIZE
WORKLOAD BETWEEN COURTS

A. Assignment. The judges of the Circuit and Superior Courts shall meet on or before October 15 of each year to assign cases to review the Caseload Allocation Plan. Different numbers of cases may be assigned to each court based on the caseload statistics received each year from the Office of Court Services.

B. Transfer. Transfer between the Floyd Circuit Court and the Floyd Superior Courts shall be accomplished pursuant to IC 33-29-1-9 & 10, which allows the judges to transfer cases between courts with mutual consent and to sit on any case in any court with mutual consent.

C. Criminal Cases.

For all crimes committed on or after July 1, 2014:

- (1) As it has been the existing practice of the Floyd County Courts and except as otherwise provided in Sections (3), (5) and (6) of this Rule if a Defendant is charged with a new offense of any Level and has a pending case, or is presently on probation or has a case under advisement or a case which has been diverted in the Circuit Court, Superior Court #1 or Superior Court #3 then such new case shall be filed in the respective Court where the Defendant is on probation or the other case is pending, under advisement or diverted.
- (2) All Murder cases shall be divided equally between the Circuit Court, Superior Court #1 and Superior Court #3.
- (3) All Levels 1 & 2 Felonies, Levels 3 & 4 Felonies, Level 5 Felony, Level 6 Felony and Domestic Battery cases (Misdemeanor and Felony) shall be filed as follows (except as otherwise designated below):
 - (a) Level 1 & 2 Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in the Superior Court #1 and 25% shall be filed in the Superior Court #3.
 - (b) Level 3 & 4 Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in Superior Court #1, and 25% shall be filed in the Superior Court #3.
 - (c) Level 5 Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in the Superior Court #1, and 25% shall be filed in the Superior Court #3.
 - (d) Level 6 Felonies: 75% shall be filed in Superior Court #1 and 25% shall be filed in Superior Court #3. On or after July 1, 2017, if a Defendant has a pending felony case in Circuit Court, any new Level 6 Felony filed shall be filed in the Circuit Court.
 - (e) Domestic Battery Cases (Misdemeanor and Level 6 Felonies): 75% shall be filed in Superior Court #1 and 25% shall be filed in Superior Court #3.
- (4) All Traffic Infractions and Ordinance Violations shall be filed in the Superior Court #2.
- (5) All Motor Vehicle Code violations shall be filed in Superior Court #2.
- (6) All Traffic Misdemeanor and Level 6 Felony Traffic cases shall be filed in Superior

Court #2 unless the Defendant has a pending case, or is presently on probation, or has a case under advisement, or a case which has been diverted, in the Circuit Court, Superior Court #1, or Superior Court #3. In the event of such occurrence, the new charge shall be filed in the respective Court where the Defendant is on probation or the other case is pending, under advisement or diverted.

- (7) If a Defendant has a pending case or is on probation or has a case under advisement or a case which has been diverted in Superior #2 is charged with a new Level 6 non-traffic Felony, such cases shall be assigned as follows: 75% shall be filed in Superior Court #1 and 25% shall be filed in Superior Court #3.
- (8) All other Misdemeanor offenses cases shall be filed in the Superior Court #2 unless the Defendant has a pending case, or is presently on probation, or has a case under advisement, or a case which has been diverted, in the Circuit Court, Superior Court #1, or Superior Court #3. In the event of such occurrence, the new charge shall be filed in the respective Court where the Defendant is on probation or the other case is pending, under advisement or diverted.

<u>Prior Code</u>	<u>HEA 1006</u>
Murder	Murder
Class A	Levels 1 & 2
Class B	Levels 3 & 4
Class C	Level 5
Class D	Level 6

For all crimes committed prior to July 1, 2014:

- (1) All Murder cases shall be divided equally between the Circuit, Superior #1 and Superior #3 Courts.
- (2) All Class A, Class B, Class C, Class D Felony and Domestic Battery cases (Misdemeanor and Felony) shall be filed as follows (except as otherwise designated below):
 - (a) Class A Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in the Superior Court #1 and 25% shall be filed in the Superior Court #3.
 - (b) Class B Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in Superior Court #1, and 25% shall be filed in the Superior Court #3.
 - (c) Class C Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in the Superior Court #1, and 25% shall be filed in the Superior Court #3.
 - (d) Class D Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in the Superior Court #1, and 25% shall be filed in the Superior Court #3.
 - (e) Domestic Battery Cases (Misdemeanor and Felony): 25% shall be filed in the Circuit Court, 50% shall be filed in Superior Court #1, and 25% shall be filed in the Superior

Court #3.

- (3) All Traffic Infractions and Ordinance Violations shall be filed in the Superior Court #2.
- (4) All Motor Vehicle Code violations shall be filed in Superior Court #2.
- (5) All Traffic Misdemeanor and Class D Felony Traffic cases shall be filed in Superior Court #2 unless the Defendant has a pending case, or is presently on probation, or has a case under advisement, or a case which has been diverted, in the Circuit Court, Superior Court #1, or Superior Court #3. In the event of such occurrence, the new charge shall be filed in the respective Court where the Defendant is on probation or the other case is pending, under advisement or diverted.
- (6) All other Misdemeanor offenses, excepting Domestic Violence cases shall be filed in the Superior Court #2 unless the Defendant has a pending case, or is presently on probation, or has a case under advisement, or a case which has been diverted, in the Circuit Court, Superior Court #1, or Superior Court #3. In the event of such occurrence, the new charge shall be filed in the respective Court where the Defendant is on probation or the other case is pending, under advisement or diverted.

D. Civil Cases

- (1) Except as provided by statute, Civil Tort, Civil Plenary, Mortgage Foreclosure, Eviction (commercial) and Miscellaneous cases may be filed on an open basis in the Circuit Court, Superior Court #1, Superior Court #2, or Superior Court #3.
- (2) Civil Collection cases \$2,500 and over shall be filed as follows:
 - (a) 50% in Superior Court #1.
 - (b) 50% in Superior Court #3.
- (3) Civil Collections cases under \$2,500 shall be filed in Superior Court #2.
- (4) TP and TS cases (Application for Judgment and Petitions for Issuance of Tax Deed) shall be filed in Circuit Court.

E. Protection Order. All Protection Orders shall be filed in Superior Court #3 (See Local Rule LR22-FR00-314 regarding transfer of Protection Order cases).

F. Domestic Relations Cases. All Pro Se DN and DC cases shall be filed in the Superior Court #3. All non-pro se DN and DC cases may be filed on an open basis in the Circuit Court, Superior Court #1, or Superior Court #3.

G. Small Claims. All Small Claims and Eviction (residential) cases shall be filed in Superior Court #2.

H. Mental Health. Mental Health cases may be filed in any of the Floyd County Courts.

I. Juvenile. All JP, JC, JT and JM (CHINS) cases shall be filed in Circuit Court subject to LR22-TR-00-117B. All JD, JS and JM (Delinquent) cases shall be filed in Circuit Court subject to LR22-TR-00-117B. All JP, JD, JS and JM (Delinquent) shall be heard by the Magistrate unless the

Magistrate has a conflict or is unavailable. In such event the elected Circuit Court Judge or a Senior Judge shall hear the case. If the State of Indiana files a Motion to Waive Juvenile Jurisdiction in a JD case, the waiver hearing shall be conducted by the elected Circuit Court Judge.

J. Adoptions, Guardianships and Estates. All Adoptions, Guardianships, Trust matters and Estates (supervised, unsupervised and miscellaneous) shall be filed in the Circuit Court.

K. Adult Problem Solving Court Program(s).

- (1) Floyd County Problem Solving Court Program(s) shall be established pursuant to IC 33-23-16-11 and in accordance with Floyd County Local Rules to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible defendants, probationers, parent(s), custodian(s) and guardian(s) as determined by its written policy and procedures.
- (2) Those persons directed to participate in a Floyd County Problem Solving Court Program shall pay the following fees in accordance with IC 33-23-16-23.
 - (a) The program fee, not to exceed one hundred (\$100.00) dollars, per admission for initial problem solving court services regardless of the length of participation;
 - (b) The court service fee, not to exceed fifty (\$50.00) dollars per month beginning in the second month of participation and for each month of participation thereafter for the duration of individual's participation; and
 - (c) The transfer fee, not to exceed twenty-five (\$25.00) dollars, transfer to the problem solving court.
 - (d) Any additional costs associated with recommended treatment, fees, other costs and restitution.
 - (e) Fees may be waived for participants in the H.O.P.E. Court Program.
- (3) The clerk of the court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.
- (4) The day-to-day operation and management of the Veterans Court of Southern Indiana and the H.O.P.E. Court Programs shall be assigned to Floyd Superior Court 3.
- (5) All criminal charges shall be filed as provided for in this rule. After a charge has been filed, however, a judge may refer an eligible defendant or probationer to a Problem Solving Court, and if accepted by the Problem Solving Court the Judge may transfer the defendant's case to the Problem Solving Court for admission and disposition in accordance with IC 33-23-16-13, 14 or 15 and the Problem Solving Court policies and procedures.
- (6) After a JC (Chins) is filed as provided for in this rule the judge may refer the parent(s), custodian(s) or guardian(s) to H.O.P.E. Court for admission, participation and disposition in accordance with H.O.P.E. Court policies and procedures and IC 33-23-16-13, 14 or 15 and Problem Solving Court policies and procedures if applicable.
- (7) A Problem Solving Court may initiate and/or accept transfers of individuals from another court.

L. Allocation of use of the Magistrate for Purposes of Weighted Caseload Utilization.

Circuit Court shall be allocated two and three-quarter ($2\frac{3}{4}$) days per week for use of the Magistrate. Superior Court #2 shall be allocated one and one-quarter ($1\frac{1}{4}$) days per week for use of the Magistrate. Superior Court #1 shall be allocated three-quarters ($\frac{3}{4}$) of a day per week for use of the Magistrate. Superior Court #3 shall be allocated one-quarter ($\frac{1}{4}$) day per week for use of the Magistrate. When reporting quarterly and annual statistics to Indiana Office of Court Services, it shall be the duty of the Court Reporter of each Court to include the Magistrate's allocated time in such quarterly and annual reports.